



CRM-M- 2096 of 2024 - 1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
(216)

CRM-M- 2096 of 2024 (O&M)
Date of decision : 11.11.2024

Sarabjeet Singh @ Sunny
.....Petitioner

vs.

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. J.S. Arora, Deputy Advocate General,
Punjab.
...

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for grant of regular bail to the petitioner in case bearing FIR No. 280 dated 30.08.2022, for offence under Sections 308, 323, 506, 148, 149 IPC (Section 302 IPC added later on in place of Section 308 IPC), registered at Police Station Dera Bassi, District SAS Nagar (Mohali).
2. Adumbrated facts of the case are that Kirna Rani d/o Late Nihal Singh, lodged the complaint before the police, wherein it was alleged that on 29.08.2022 at 9.30 P.M., her brothers, Harvinder Singh, Gursewak Singh and her cousin brother Nandu, were coming after purchasing milk from the shop. On the way, Gita and Sunita abused them with casteist remarks. On



raising objection by her brothers, they started abusing them. As a result, Gita and Sunita went to their house and called their family members. Thereafter, their family members Ajay, Vijay, Neha, Raja Ram, Sarabjit @ Sunny i.e. petitioner, etc., started throwing bricks and stones from the upper side and from the other side. One of the stone hit on the head of her mother -Manjeet Kaur, who suffered serious injuries. She was rushed to the Civil Hospital, Dera Bassi in unconscious condition, from where she was referred to PGI, Chandigarh. However, she died on 31.08.2022. Thus offence under Section 302 IPC was also added in the FIR. The petitioner was arrested on 31.08.2022. He approached the learned trial Court at SAS Nagar Mohali praying for grant of bail. However, finding no merit in the same the learned trial Court dismissed the same vide order dated 14.06.2023. Aggrieved by the said order, he earlier approached this Court by way of filing CRM-M-15954-2023, however, the same was allowed to be dismissed as withdrawn vide order dated 12.04.2023. Hence, this is the second petition filed by the petitioner praying for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. It is submitted that from the allegations made in the FIR it is apparent that all the family members of the petitioner have been roped in the present case. He submits that even otherwise, the alleged occurrence is not a premeditated one and at the spur of the moment the occurrence had taken place. It is submitted that the allegations against the petitioner is that he was part of the unlawful assembly pelting stones and bricks towards the complainant side and one of the brick hit the deceased – Manjeet Kaur. He submits that there was no



intention, whatsoever, on the part of the petitioner ,and thus offence under Section 302 IPC is also not made out against him. It is submitted that the petitioner is behind bars from the last more than 2 years and till date the prosecution has not been able to examine its witnesses. It is submitted that the petitioner has no criminal antecedents. Thus in the facts and circumstances, the petitioner deserves to be granted bail.

4. Counsel for the State however, opposed the submissions made by counsel for the petitioner and has submitted that the petitioner is specifically named in the FIR, who had also thrown bricks and stones on the complainant side and the deceased died as a result of the injuries suffered by her. It is submitted that the investigation is complete and after framing of charge, as out of 19 witnesses, only 1 witness has been examined. He submits that as per the instructions given, the petitioner has no criminal antecedents.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, and from the facts and circumstances, it is clear that the occurrence in the present case has taken place on 29.08.2022 at 9.30 P.M. , the petitioner alongwith others have been alleged to have thrown stones and bricks on the deceased, who suffered an injury by the brick on her head. However, after two days she succumbed to the injuries. Whether the offence under 302 IPC is made out or not, is subject matter of trial. This Court would refrain itself from commenting anything on the merits of the case. There are no criminal antecedents of the petitioner.



7. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.11.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No